

IN RE: PETITION FOR VARIANCE
SW/8 Proctor Lane, 800' NW
of Old Harford Road
(2621 Proctor Lane)
9th Election District
6th Councilmanic District
Elton Crossland, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-338-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Elton and Doris Crossland. The Petition, as filed, requests relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7.5 feet in lieu of the minimum required 10 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Elton and Doris Crossland, property owners, and Thomas Phelps, Registered Property Line Surveyor. Also appearing on behalf of the Petition were William Burns and Ruth Holden, adjoining property owners. There were no Protestants.

At the onset of the hearing, a review of Petitioner's Exhibit 1 revealed that while there exists a 7.5-foot setback to the side property line from the rear southwest corner of the existing dwelling, the front north corner of the dwelling is located 7.1 feet from the west side property line. The Petition was amended accordingly.

Testimony indicated that the subject property, known as 2621 Proctor Lane, consists of 9,964 sq.ft. zoned D.R. 5.5 and is improved with a two-story single family dwelling. The Petitioners filed the instant Petition upon receipt of a zoning violation notice from the Zoning Enforcement Division of the Zoning Administration and Development Management

(SAND) office as to the location of the subject dwelling. Thomas Phelps, a registered property line surveyor, testified that he drew the location survey for the minor subdivision of the subject property into three lots in September 1990. The three lots were proposed for development with 40-foot wide dwellings. Mr. Phelps testified that he staked off the area where the subject dwelling was to be constructed in accordance with B.C.Z.R. setback requirements; however, the builder actually constructed the dwelling outside the staked area to within 7.1 feet of the north side property line. Further, the dwelling constructed is actually 42.2 feet wide. Testimony indicated that the problem was not identified until William Burns, the adjoining property owner at 2619 Proctor Lane, proceeded to refinance his property and a survey was conducted. Testimony indicated that Mr. Burns wanted to resolve the matter by way of the Crosslands filing the instant Petition. Ms. Holden who also appeared and testified on behalf of the Petition stated that she too must also file for a variance request to rectify the setback violation which exists on her property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that without the requested relief, the Petitioners would suffer practical difficulty and unreasonable hardship through no fault of their own. The requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of June, 1993 that the Petition for Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7.1 feet, as amended, in lieu of the minimum required 10 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 3 -

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TNK:bjs

Timothy M. Korooco
TIMOTHY M. KOROOCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/1/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/1/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/1/93
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 4, 1993

(410) 887-4386

Mr. & Mrs. Elton Crossland
2621 Proctor Lane
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
SW/8 Proctor Lane, 800' NW of Old Harford Road
(2621 Proctor Lane)
9th Election District - 6th Councilmanic District
Elton Crossland, et ux - Petitioners
Case No. 93-338-A

Dear Mr. & Mrs. Crossland:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Korooco
TIMOTHY M. KOROOCO
Deputy Zoning Commissioner
for Baltimore County

TNK:bjs

cc: Mr. Thomas Phelps
945 Barron Avenue, Baltimore, Md. 21221

People's Counsel

file



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 2621 Proctor Lane, Balt.
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) This house was built by a contractor and made wider than it was originally designed to be by 2'5". There was no wall check or final survey done so this was not known to the owners. To not be allowed a variance at this time would cause the owners an undo hardship and financial problem.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contractor/Postmaster/Owner:

Elton & Doris Crossland

[Signature]

[Signature]

2621 Proctor Lane

Baltimore Maryland 21234

Address for Petitioner:

Type of Petition:

Signature:

Address:

City:

State:

Zip:

When an owner desires and offers, under the provisions of property, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Elton Crossland

[Signature]

[Signature]

Doris Crossland

[Signature]

2621 Proctor Lane (410) 882 2780

Baltimore Maryland 21234

Address:

City:

State:

Zip:

Telephone:

Signature:

Address:

City:

State:

Zip:

Lot 3 Holden Property
Proctor Lane
9th Elect District
Baltimore County, Md.

Beginning at a point in the southwesterly line of the original tract acquired by Ronald P. Holden, Et Al, by deed recorded among the land records of Baltimore County, Maryland in Liber 8654 at folio 0033, said point being South 46° 25' 53" West 23.14 feet from the centerline of Proctor Lane, as now surveyed, thence departing said point of beginning and running with the said tract line as follows, viz:
1) South 74° 29' 41" East 68.14 feet to a point, thence with two new lines of division as follows, viz:
2) South 45° 48' 51" West 175.42 feet, and
3) North 68° 57' 07" West 63.93 feet to a point in the original southwesterly line of the tract, thence with said tract line the following, viz:
4) North 46° 25' 53" East 159.28 feet to the point and place of beginning. Containing 3,564 square feet, more or less.
Being a portion of the property acquired by Ronald P. Holden, Et Al, by a deed recorded among the land records of Baltimore County, Maryland in Liber 8654 at Folio 0033, also said lot is shown on a plat of subdivision attached hereto and made a part hereof.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 4/2/93
Posted for: Variance
Petitioner: Elton & Doris Crossland
Location of property: Sub (2421) Proctor Lane, Lot 3, 800' NW/1/4 Sec 12, R.R.
Location of Sign: Facing road, on property of Adjoining
Remarks: _____
Posted by: [Signature] Date of return: 4/30/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 16, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 15, 1993.

THE JEFFERSONIAN,

S. Zake Olson
S. Zake Olson
Publisher



Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-338-A receipt

Date 4-2-93

Thomas E. Phelps

Residential Variance - 2621 Proctor Lane

Filing fee - \$50.00
Sign & Posting - 35.00
Total \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____ Item No.: 350

Petitioner: _____

LOCATION: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ELTON CROSSLAND

ADDRESS: 2621 PROCTOR LANE

BALTIMORE, MD 21234

PHONE NUMBER: (410) 882-2780

AJ:ags
(Revised 3/29/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-338-A (Item 350)
2621 Proctor Lane, Lot 83
SW/4 Proctor Lane, 800' (+/-) NW of Old Harford Road
9th Election District - 6th Councilmanic
Petitioner(s): Elton Crossland and Doris Crossland
HEARING: THURSDAY, MAY 20, 1993 at 11:00 a.m. in Rm. 106, Office Building.

Variance to allow a side yard setback of 7-1/2 ft. (for an existing dwelling) in lieu of the minimum required 10 ft.

Arnold Jablon
Director

cc: Elton & Doris Crossland
Thomas Phelps

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

cc: William Burns

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 14, 1993

Mr. and Mrs. Elton Crossland
2621 Proctor Lane
Baltimore, MD 21234

RE: Case No. 93-338-A, Item No. 350
Petitioner: Elton Crossland, et ux
Petition for Variance

Dear Mr. and Mrs. Crossland:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-B-93

HELENE KEHRING
Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 350 (JTS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 568-0481 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 14, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 320, 340, 341, 346, 349, and 350.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

PK/JL:lw

320, ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: April 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

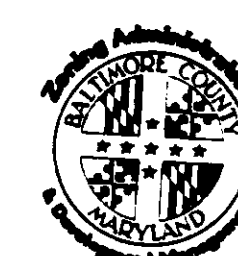
SUBJECT: Zoning Petitions

#325 No comments
#327 No comments
#332 No comments
#340 No comments
#341 No comments
#342 No comments
#343 No comments
#344 No comments
#345 No comments
#346 No comments
#347 No comments
#348 No comments
#349 No comments
#350 No comments
#351 The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.
#352 No comments

JLP/dal
cc: File

RECEIVED
APR 20 1993

ZADM



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

April 14, 1993

FROM: James H. Thompson - TF
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 350

PETITIONER: Elton M. and Doris H. Crossland

VIOLATION CASE NO.: C-93-1254

LOCATION OF VIOLATION: 2621 Proctor Lane
Baltimore, Maryland 21234
9th Election District

DEFENDANT: Elton M. and Doris H. Crossland
2621 Proctor Lane
Baltimore, MD 21234

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

Mr. William Burns 2619 Proctor Lane
Baltimore, Maryland 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TLF/cmm

PROTESTANT(S) SIGN-IN SHEET

NAME _____ ADDRESS _____

Rich Haller *2621A Proctor Lane 21234*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____ ADDRESS _____

ELTON CROSSLAND *2621 PROCTOR LANE*

DORIS CROSSLAND *BALTIMORE MD 21234*

Tom Phelps *345 BARON AVE 21221*

William Ellis *2019 PROCTOR LANE 21234*

